IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9787 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VINAYA KUMAR VYASA - Petitioner(s)

Versus

MANJULABEN P JOSHI EX PRESIDENT & 4 - Respondent(s)

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Appearance :

MR PV HATHI for Petitioner(s) : 1,
MR AM PAREKH for Respondent(s) : 1 - 2.
MR PM LAKHANI for Respondent(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 3 - 4.
RULE SERVED for Respondent(s) : 5,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 21/01/2006

ORAL JUDGMENT

1. Learned advocate for the petitioner states that the

present petition was filed at a time when respondent no.1 herein had filed as many as five successive civil suits against the petitioner in his personal capacity, though the issues arose out of the decision and actions taken by the petitioner in his official capacity as District Development Officer at the relevant time. He submits that respondent no.1 herein at the relevant time was elected as president of the District Panchayat. Husband of respondent no.1 had also filed one more suit. To prevent abuse of process of Court, the petitioner had filed the present petition. Prayer made in the petition is for quashing and setting aside the orders passed in the said civil suits before the Civil Judge (S.D.) and Civil Judge (J.D.), Jamnagar.

2. Learned advocate for the petitioner further submitted that during the pendency of the petition, all the civil suits came to be withdrawn. He further submitted that thereafter i.e. after withdrawal of the civil suits, respondent no.1 has filed an application for revivial of Civil Suit No. 503/2000. He states that no order of revivial has yet been passed by the Civil Court.

3. It was further pointed out that as on today all civil suits filed by respondent no.1 and one filed her husband about which grievance was made by the petitioner in the present petition and with respect to which proceedings prayer has been made to quash the orders passed by the Civil Court do not survive.

4. Civil suits have been withdrawn and therefore, no further action is required to be taken in the present petition. In that view of the matter, I do not find it appropriate to go further into the grievances made by the petitioner. As noted earlier in Civil Suit No. 503/2000 as on date, there is no order of revivial and said suit also stands withdrawn. In future, in any case, any order is passed permitting revivial thereof, it will be open for the petitioner to take appropriate steps to raise his grievance once again in accordance with law.

5. I am sure, Civil Court while considering the application filed by the plaintiff seeking revivial will examine all aspects of the matter before passing any final order.

6. In view of the above discussion, the petition having

become infructuous is disposed of accordingly. Rule discharged. Interim relief granted earlier stands vacated.

[Akil Kureshi, J.]

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